



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

HD:hd
Docket No: 04788-99
11 January 2001

CDR [REDACTED] USN
[REDACTED]
[REDACTED]

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 24 December 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board noted that the reporting senior did not specify what was improper about his "interpretation of category criteria." They further observed that since the letter-supplements have been filed, filing the supplemental reports, which reflect the same information, without removing the contested original reports would not help you at all. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



4788 99

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
24 DEC 99

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: ~~CONFIDENTIAL - PERS, USN~~

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the periods 1 November 1995 to 31 October 1996 and 1 November 1996 to 1 August 1997 and replace each with a supplemental fitness report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the reports in question to be on file. They are signed by the member acknowledging the contents of each and his right to submit a statement. The member did not desire to submit a statement. The supplemental fitness reports are not on file; however, the member provided a copy with his petition.

b. The reporting senior has submitted, and we have accepted and filed an evaluation report letter supplement next to each report in question. The letter supplement report changes block-41, the member's promotion recommendation from "Must Promote" to "Early Promote". The letter supplement report for the period 1 November 1995 to 31 October 1996 was filed in error, as it was submitted more than two years after the ending date of the original fitness report. Although it was filed in error, we will not remove it from the member's record.

c. The supplemental fitness reports included with the member's petition change the member's promotion recommendation from "Must Promote" to "Early Promote". However, the supplemental fitness reports were not submitted in accordance with reference (a), Annex P, and were not acceptable for filing.

d. Enhancement of chances for promotion is not sufficient reasons to remove/replace a fitness report.

e. Further review of the member's headquarters record revealed the following fitness report missing from the member's record, 1 November 1994 to 31 January 1995. If the member will forward a copy of the fitness report we will file it in the member's digitized record.

f. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged.

[REDACTED]

Head, Performance
Evaluation Branch